United Nations CRC/C/OPAC/LVA/CO/1

Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the report submitted by Latvia under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*

1. The Committee considered the initial report of Latvia (CRC/C/OPAC/LVA/1) at its 2062nd meeting (see CRC/C/SR.2062), held on 13 January 2016, and adopted the following concluding observations at its 2104th meeting (see CRC/C/SR.2104), held on 29 January 2016.

I. Introduction

2. The Committee welcomes the submission of the State party's initial report and its written replies to the list of issues (CRC/C/OPAC/LVA/Q/1/Add.1). The Committee appreciates the constructive dialogue held with the high-level and multisectoral delegation of the State party.

3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the State party's combined third to fifth periodic reports under the Convention on the Rights of the Child (CRC/C/LVA/CO/3-5) and the concluding observations on the initial report under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/LVA/CO/1), adopted on 29 January 2016.

II. General observations

Positive aspects

4. The Committee welcomes the accession to or ratification by the State party of:

(a) The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, in July 2004;

* Adopted by the Committee at its seventy-first session (11-29 January 2016).

(b) The Rome Statute of the International Criminal Court, in June 2002;

(c) The United Nations Convention against Transnational Organized Crime, in December 2001;

(d) The Geneva Conventions of 1949 and Additional Protocols I and II thereto, in December 1991.

5. The Committee welcomes the various positive measures taken in areas relevant to the implementation of the Optional Protocol, in particular:

(a) The amendments to the Criminal Law to prohibit the involvement of Latvian nationals in armed conflicts that are contrary to international law and limit the financing of armed conflicts, informative campaigns and other kind of support for persons taking part in armed conflict abroad, in February 2015;

(b) The Cabinet Regulation No. 1613 on procedures for the provision of required assistance to a child who has suffered from illegal activities, in December 2009;

(c) The prohibition to enrol children in professional service in institutions of the Ministry of the Interior and the Prisons Administration system, provided for in the Law on the Career Course of Service of Officials with Special Service Ranks Working in Institutions of the System of the Ministry of the Interior and the Prisons Administration (sect. 7, para. 1), adopted in October 2006;

(d) The declaration that the minimum age for voluntary recruitment in the State party is 18 years, made at the time of ratification of the Optional Protocol.

III. General measures of implementation

Dissemination and awareness-raising

6. The Committee is concerned that the State party has not conducted any awareness-raising campaigns about the Optional Protocol nor widely disseminated information about its principles and provisions among the members of the armed forces and the general public, including children and their families.

7. **Pursuant to article 6 (2) of the Optional Protocol, the Committee recommends that the State party enhance its efforts to make the principles and provisions of the Optional Protocol widely known to the members of the armed forces, the public at large and children in particular, including through greater involvement of the media in awareness-raising programmes.**

Training

8. While noting that themes related to the involvement of children in armed conflict are being dealt with in the framework of several education programmes of study offered by the State Police College and the State Border Guard College, the Committee regrets the lack of specific training on children's rights and the provisions of the Optional Protocol in the course curricula for military and law enforcement personnel, including those involved in peacekeeping operations.

9. **The Committee recommends that the Optional Protocol be systematically included in the training of all relevant professional groups, in particular the armed forces, members of international peacekeeping forces, law enforcement and**

immigration officers, prosecutors, lawyers, judges, social workers, medical professionals, teachers, media professionals and local and district officials.

Data

10. The Committee regrets the lack of data collection on asylum-seeking, refugee, migrant and unaccompanied children who enter the State party and may have been recruited or used in hostilities abroad.

11. **The Committee recommends that the State party establish a mechanism for the comprehensive collection of data, disaggregated by sex, age, nationality and ethnic origin, on asylum-seeking, refugee, migrant and unaccompanied children who enter the State party and may have been recruited or used in hostilities abroad.**

IV. Prevention

Military education

12. The Committee notes that children from the age of 10 may participate in the voluntary "Youth Guard" movement that functions under the auspices of the Ministry of Defence, with the purpose of educating youth about national defence. The Committee is deeply concerned that the "Youth Guard" programme includes the participation of children in activities involving weapons and military training.

13. **The Committee urges the State party to take measures to ban military training involving the use of firearms for children under the age of 18 years, in general, and in the Youth Guard, in particular, and establish regular monitoring of the Youth Guard programme to ensure that its curriculum and the teaching personnel comply with the provisions of the Optional Protocol.**

Human rights and peace education

14. The Committee regrets the lack of information on whether conscripts and soldiers on active duty are provided with regular and mandatory human rights and peace education, including on the provisions of the Optional Protocol.

15. **The Committee recommends that the State party take the measures necessary to include human rights and peace education and education on the provisions of the Optional Protocol in the compulsory curriculum for conscripts and persons in active military service.**

V. Prohibition and related matters

Criminal legislation and regulations in force

16. The Committee notes the information in the State party's reply to the list of issues (CRC/C/OPAC/LVA/Q/1/Add.1, para. 26) that section 8 of the Rome Statute of the International Criminal Court, which establishes criminal liability for the recruitment and use of children in armed conflict, for both national armed forces and non-State armed groups, has been included in section 74 of the Criminal Law. It is, however, concerned that Section 74 of the Criminal Law does not mention recruitment and use of children in armed

conflict in the non-exhaustive list of war crimes and that it only provides for them implicitly. The Committee is also concerned that there is no explicit reference in the Criminal Law that criminal liability applies also to non-State armed groups.

17. **The Committee recommends that the State party explicitly criminalize the recruitment and the use, involvement and participation in hostilities of children under the age of 18 years by the armed forces and by non-State armed groups.**

Extraterritorial jurisdiction and extradition

18. The Committee notes that the State party's legislation provides for extraterritorial jurisdiction for crimes against the interests of the State party or its inhabitants that are committed by foreigners who do not have permanent residence permits in the State party. However, the Committee is concerned that double criminality is a requirement for extradition.

19. **The Committee urges the State party to remove the requirement of double criminality for the extradition for offences covered under the Optional Protocol.**

VI. Protection, recovery and reintegration

Measures adopted to protect the rights of child victims

20. The Committee notes the information provided by the State party that there are no child victims of the offences prohibited under the Optional Protocol on its territory, including among refugee, asylum-seeking, migrant and unaccompanied children. Nevertheless, the Committee is concerned at the lack of mechanisms in place to identify, at an early stage, refugee, asylum-seeking, migrant and unaccompanied children who enter the State party and who may have been recruited or used in hostilities abroad.

21. **The Committee recommends that the State party put in place mechanisms to identify, at an early stage, refugee, asylum-seeking, migrant and unaccompanied children coming from countries where there are or have been armed conflicts and who may have been involved in hostilities. It also recommends that the State party ensure that the personnel responsible for such identification are trained in children's rights, child protection and child-friendly interviewing skills. The Committee further recommends that the State party develop protocols and specialized services to ensure that such children are provided with appropriate assistance for their physical and psychological recovery and social reintegration.**

VII. International assistance and cooperation

International cooperation

22. **The Committee recommends that the State party continue and strengthen its cooperation with the International Committee of the Red Cross and with the Special Representative of the Secretary-General for Children and Armed Conflict, and that it explore increased cooperation with the United Nations Children's Fund and other United Nations entities in the implementation of the Optional Protocol.**

VIII. Follow-up and dissemination

23. **The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations by, inter alia, transmitting them to the Parliament, relevant ministries, including the Ministry of Defence, the Supreme Court and local authorities for appropriate consideration and further action.**

24. **The Committee recommends that the report and written replies submitted by the State party and the present concluding observations be made widely available, including, but not exclusively, through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.**

IX. Next report

25. **In accordance with article 8 (2) of the Optional Protocol the Committee requests the State party to include additional information on the implementation of the Optional Protocol and the recommendations in the present concluding observations in its next periodic report to be submitted in accordance with article 44 of the Convention on the Rights of the Child.**